

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES BEARDSLEY,

Petitioner,

Case No. 1:06-cv-581

v.

Hon. Wendell A. Miles

CARMEN D. PALMER,

Respondent.

JUDGMENT APPROVING

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On September 28, 2006, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation ("R & R") recommending that petitioner's application for habeas corpus relief be denied as it is barred by the one-year statute of limitations. No objections were filed to the R& R.

The court, having reviewed the R & R filed by the United States Magistrate Judge in this action and the relevant portions of the file in this matter, determines that the Magistrate Judge has made a thorough and accurate review of all appealable issues and agrees with the reasoning and recommended disposition contained in the R & R. Therefore, the court hereby approves and adopts the R & R as the decision of the court.

IT IS ORDERED that Petitioner's application for habeas corpus relief be DISMISSED with prejudice pursuant to Rule 4 of the Rules Governing § 2254 Cases because it is barred by the one-year statute of limitations.

IT IS SO ORDERED.

Dated: November 2, 2006

/s/ Wendell A. Miles

Wendell A. Miles

Senior U.S. District Judge